

25965. Adulteration of quinces. U. S. v. 150 Bushels of Quinces. Decree of condemnation and forfeiture providing for release under bond for reconditioning. (F. & D. no. 36561. Sample no. 40240-B.)

This product contained arsenic and lead.

On October 17, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of quinces at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about October 13, 1935, from Lockport, N. Y., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. Shipment was made by the American Fruit Growers, Inc., Lockport, N. Y. The article was labeled in part: (Basket) "Tip Top Quince."

Adulteration of the product was charged under the allegation that it contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it dangerous to health.

On October 22, 1935, the American Fruit Growers, Inc., having claimed the product, a decree of condemnation and forfeiture was entered providing for release of the product to the claimant for reconditioning, upon furnishing of bond in the sum of \$400.

- M. L. WILSON, *Acting Secretary of Agriculture.*

25966. Misbranding and alleged adulteration of preserves and jam. U. S. v. 1,005 Jars of Alleged Strawberry Preserves, et al. Default decrees of condemnation and forfeiture. (F. & D. nos. 36607, 36614, 36693, 37183. Sample nos. 43532-B, 43540-B, 43551-B, 43554-B, 43650-B, 44017-B to 44020-B, incl.)

These cases involved shipments of alleged preserves and jam that were deficient in fruit. Most of the varieties contained added pectin and some also contained added acid and water.

On November 6, November 14, December 2, 1935, and February 11, 1936, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 cases and 2,919 jars of preserves and 753 jars of currant jam in part at Providence, R. I., and in part at West Warwick, R. I., and alleging that the articles had been shipped in interstate commerce between the dates of April 24 and December 12, 1935, by National Kream Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were variously labeled in part: "National Pure Preserves Strawberry * * * Manufactured by National Kream Co., Inc., New York, N. Y."; "National Pure Preserves Strawberry [or "Peach", "Pineapple", "Raspberry", or "Currant Jam"] * * * National Foods, Inc. Brooklyn, N. Y."

The strawberry preserves were alleged to be adulterated in that a jellified mixture of water, sugar, pectin, and acid, with respect to one portion, a jellified mixture of water and sugar, with respect to another portion, and a mixture of sugar, acid, and pectin, with respect to the remainder, had been mixed and packed with the article so as to reduce and lower its quality and strength; in that mixtures of fruit and said substances containing less than the normal proportion of fruit had been substituted for preserves; and in that the article had been mixed in a manner whereby inferiority was concealed.

The currant jam was alleged to be adulterated in that a jellified mixture of water, sugar, and pectin had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality; and in that a mixture of fruit, sugar, water, and pectin containing less than the normal proportion of fruit had been substituted for jam; and the article had been mixed in a manner whereby inferiority was concealed.

The peach, pineapple, and raspberry preserves were alleged to be adulterated in that a mixture of sugar, acid, pectin, and water had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that an insufficiently concentrated mixture of fruit, sugar, acid, pectin, and water had been substituted for preserves; and that the articles had been mixed in a manner whereby inferiority was concealed.

The products were alleged to be misbranded in that the statements on the labels, "Pure Preserves Strawberry", "Pure Preserves Currant Jam", "Pure Strawberry", "Pure Peach", "Pure Pineapple", and "Pure Raspberry", were false and misleading and tended to deceive and mislead the purchaser; and

in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 15, 1936, no claimant having appeared, judgments were entered finding the articles misbranded and ordering that they be condemned and forfeited to the United States.

M. L. WILSON, *Acting Secretary of Agriculture.*

25967. Misbranding of apple butter. U. S. v. 46 Cases of Apple Butter. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36621. Sample no. 41286-B.)

This case involved an interstate shipment of apple butter the packages of which were short in weight.

On November 16, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of apple butter at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by Libby, McNeill & Libby, from Blue Island, Ill., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in jars, was labeled: "Libby's Apple Butter Caramelized Sugar Added Net Weight 1 Lb. 10 Oz. Packed by Libby, McNeill & Libby Chicago Made in U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 1 Lb. 10 Oz.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On December 30, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25968. Misbranding and alleged adulteration of Kololiva. U. S. v. 2 Cans of Kleckner's Kololiva. Default decree of condemnation and destruction. (F. & D. no. 36650. Sample no. 43574-B.)

This product was labeled to convey the impression that it contained olive oil or a color derived from olive oil. Examination showed that it contained excessive lead and copper and an unpermitted color, but no olive oil or color derived from olive oil.

On November 21, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of Kleckner's Kololiva at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 18, 1935, by David Kleckner & Son, Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kleckner's 2 kilo Kololiva Concentrated (paste) David Kleckner & Son, Inc. Importers and Manufacturers * * * Brooklyn, N. Y."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead, copper, and unpermitted dye, which might have rendered it harmful to health.

The article was alleged to be misbranded in that the name of the product, "Kololiva", was misleading and tended to deceive and mislead the purchaser, since it suggested that the product contained olive oil or a color derived from olive oil.

On September 14, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25969. Misbranding of wine. U. S. v. 24 Cases, et al., of Wine. Decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 36662. Sample nos. 40057-B to 40060-B, incl.)

These products were sold as California wines of a high alcoholic content but in fact were light wines made in the State of New York. The quantity of the contents was not properly declared.